

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

PHILLIP J. SINGER, Individually and on Behalf)
of All Other Persons Similarly Situated,)
Plaintiff,)

v.)

TRANS1 INC., KENNETH REALI, JOSEPH P.)
SLATTERY, RICHARD RANDALL and)
MICHAEL LUETKEMEYER,)
Defendant.)

JUDGMENT
CASE NO. 7:12-CV-23-F

Decision by Court.

This action came before the Honorable James C. Fox, Senior United States District Judge, for ruling as follows:

IT IS ORDERED, ADJUDGED AND DECREED that pursuant to the court's order dated May 14, 2015, the court orders that the stay entered by its Order of November 20, 2014 [DE-69] is hereby LIFTED. The defendants' Request for Judicial Notice [DE-60] is ALLOWED. The defendants' Motion to Dismiss Plaintiff's Second Amended Complaint [DE-63] is ALLOWED. The plaintiff's claims against the individual defendants are hereby DISMISSED WITH PREJUDICE. The stay of the plaintiff's claims against Defendant Trans 1 remains in effect; however, the Clerk of Court is DIRECTED to administratively close this case from the active docket, subject to the same being reopened by any party upon the resolution of Trans 1 's bankruptcy action in the Bankruptcy Court for the District of Delaware, or otherwise upon good cause shown.

ADDITIONALLY, in the court's order dated October 7, 2015, the Motion to Lift Stay [DE-84] is DISMISSED AS MOOT; the Motion for Entry of Final Judgment Pursuant to Rule 54(b) as to the Individual Defendants [DE-76] is DENIED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that The defendants' Motion to Dismiss Plaintiff's SAC [DE-63] is ALLOWED as to Trans1. The plaintiff's claims against Trans1 are hereby DISMISSED WITH PREJUDICE. The Clerk of Court is DIRECTED to close this case.

This Judgment Filed and Entered on December 8, 2015, and Copies To:

Jeremy A. Lieberman (via CM/ECF Notice of Electronic Filing)
John F. Cannon (via CM/ECF Notice of Electronic Filing)
Jonathan D. Sasser (via CM/ECF Notice of Electronic Filing)
Stephen L. Ram (via CM/ECF Notice of Electronic Filing)
Aaron C. Humes (via CM/ECF Notice of Electronic Filing)
Kent W. Easter (via CM/ECF Notice of Electronic Filing)
Thomas Hamilton Segars (via CM/ECF Notice of Electronic Filing)

DATE
December 8, 2015

JULIE RICHARDS JOHNSTON, CLERK
/s/ Susan K. Edwards
(By) Susan K. Edwards, Deputy Clerk